

ORDINANCE NUMBER 15-36

AN ORDINANCE OF THE CITY OF WESTFIELD CONCERNING AMENDMENT TO TEXT AND CONCEPT PLAN OF THE BRIDGEWATER CLUB PLANNED UNIT DEVELOPMENT BEING THAT OF ORDINANCE 06- 49, ORDINANCE 08-05, ORDINANCE 09-17, ORDINANCE 10-01, ORDINANCE 10-05, ORDINANCE 10-08, ORDINANCE 10-19, ORDINANCE 11- 01, ORDINANCE 12-10, ORDINANCE 13-03, ORDINANCE 13-06, ORDINANCE 13-08, ORDINANCE 14-02, ORDINANCE 14-16 AND TITLE 16 – LAND USE CONTROLS

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (Docket 1303-PUD-03), filed with the Commission requesting an amendment to Ordinance 06-49, enacted by the Town Council on October 9, 2006, and amended by (i) Ordinance 08-05, enacted by the City Council on February 11, 2008 (ii) Ordinance 09-17, enacted by the City Council on September 14, 2009; (iii) Ordinance 10-01, enacted by the City Council on February 8, 2010; (iv) Ordinance 10-05, enacted by the City Council on April 12, 2010; (v) Ordinance 10-08, enacted by the City Council on May 24, 2010; (vi) Ordinance 10-19, enacted by the City Council on September 13, 2010; (vii) Ordinance 11-01, enacted by the City Council on January 10, 2011; (viii) Ordinance 12-10, enacted by the City Council on April 9, 2012; (ix) Ordinance 13-03, enacted by the City Council on February 11, 2013; (x) Ordinance 13-06, enacted by the City Council on March 11, 2013; (xi) Ordinance 13-08 enacted by the City Council on March 25, 2013; (xii) Ordinance 14-02 enacted by the City Council on February 24, 2014; and (xiii) Ordinance 14-16 enacted by the City Council on May 12, 2014 by the City Council (collectively, "The Bridgewater PUD Ordinance")

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No.1511-PUD-23**), requesting an amendment to The Bridgewater PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit J** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No.1511-PUD-23** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a _____ **recommendation** (____-____) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to

the Common Council on _____, 2016;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that The Bridgewater PUD Ordinance and the Unified Development Ordinance are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 This Ordinance shall amend The Bridgewater PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate ~~and~~ shall be governed by The Bridgewater PUD Ordinance, as amended by this Ordinance and its exhibits.

1.2 All other provisions of The Bridgewater PUD Ordinance shall remain in effect with the adoption of this Ordinance.

Section 2. Definitions. Words used in a special sense in this Ordinance are defined below. All other words shall have the meaning inferred from their context in this Ordinance or their ordinarily accepted definitions.

a. “Building Façade” - That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

b. “Masonry Material” - Brick, limestone, natural stone, manufactured stone (e.g., Cultured Stone®), or a combination of the same, bonded together with a mortar to form a wall, buttress, or similar mass. Fiber Cement Siding is not a Masonry Material for purposes of this Ordinance.

Section 32. Revised Concept Plan. The Real Estate shall be developed in substantial compliance with the concept plan attached hereto and incorporated herein as Exhibit A. The building pads shall be generally as those shown on Exhibit B.

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Section **43. Exhibit 12** ~~of the Bridgewater PUD Ordinance (Ord. 06-49) of the PUD~~
Development Standards for Detached Single Family Residences within Blocks A, E,
H, J, K, L, M, and N of Parcel J shall be amended to create new Development
Standards for Multi-Story Detached Single Family Residences as follows: The
development standards applicable to Multi-Story Detached single family residences in
Blocks, A, E, H, J, K, L, M and N of Parcel J, shall be as follows:

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**DEVELOPMENT STANDARDS FOR MULTI-STORY DETACHED
SINGLE FAMILY RESIDENCES**

MINIMUM LOT WIDTH AT THE BUILDING LINE	23'	
MINIMUM STREET FRONTAGE	23'	
MINIMUM LOT AREA	1,750 S.F	
MINIMUM FRONT YARD SETBACK ¹	20'	
MINIMUM SEPARATION BETWEEN BUILDINGS ²	6'	
MINIMUM REAR YARD SETBACK	5'	
MINIMUM SIDE YARD SETBACK	0'	
MAXIMUM BUILDING HEIGHT ³	41'	

MIN SETBACK FROM GRAY ROAD R/W	55'	
MINIMUM GROSS FLOOR AREA FOR GROUND FLOOR LEVELS	1000 S.F.	
MAXIMUM # OF DETACHED SINGLE FAMILY RESIDENTIAL UNITS	36	

Notes:

(1) The minimum front yard setback shall be as measured on a perpendicular line from the back of the concrete curb adjoining or parallel to the residence to the closest point of the exterior of the residence. The perpendicular line shall be allowed to pass through common area that occupies or adjoins the street. Overhangs, decks, wood patio's or other cantilevered components attached to the residence on or above the second (2nd) story shall be allowed to reduce this minimum as per the conceptual home plans included as Exhibit "C" and as approved by the architectural control committee;

(2) The land between abutting single family homes shall be classified a "Reciprocal Use Easement" with rights of use granted to each of the adjoining land owners and as more specifically defined on the recorded re-plat of this section of Parcel J.

(3) Building Height shall be measured (i) from the average ground level at the foundation of the residence facing the street (ii) to the highest point of the roof for a flat roof, to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gambrel roofs. Chimneys, elevators, tanks, and other similar structures shall not be included in calculating heights.

(4) The minimum setback from the wall of a structure considered a side or rear elevation shall be ten (10) feet as measured on a perpendicular line from the back of the concrete curb of the street adjoining or parallel to the side or rear of the residence to the closest point of the exterior of the residence. The perpendicular line shall be allowed to pass through common area that occupies or adjoins the street.

Section 54. Architectural Guidelines

~~4.1~~ **5.1** Design Elements. Design elements and detailing shall be continued completely around the structure. It is intended that each

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structure, whether three (3) story or four (4) story shall be constructed in substantial compliance with those illustrated in Exhibit “D”. Such design elements shall include, but are not limited to: windows, window placement, trim detailing and exterior wall materials. The use of long massive, unbroken exterior building walls shall be avoided, except for allowances per Section 54.2 of this ordinance.

~~4.25.2~~ Walls abutting Reciprocal Use Easements. Walls abutting Reciprocal Use Easements may be allowed to be of exterior material without breaks in type or design and shall not be required to contain windows.

~~4.3~~ 5.3 Architecturally Enhanced Side Elevations (AES). In order to give the appearance of a front elevation, the sides of the structures facing the street on Lots 1, 4, 5, 9, 10, 14, 15, 31 and 36 shall be constructed in substantial compliance with the illustration in Exhibit “E”.

~~4.4~~ 5.4 Architecturally Enhanced Rear Elevations (AER). The rear elevations of the residences on Lots 1, 2, 3, 4, and 15-36 shall be constructed in substantial compliance with the illustration in Exhibit H-1. The rear elevations of the residences on Lots 5-14 shall be constructed in substantial compliance with the illustrations in Exhibit H-2

~~4.5~~ 5.5 Brick/Masonry/Stone Minimum. Except for walls abutting Reciprocal Use Easements and the rear elevation of Lots 5 - 14, the exterior material for first floor walls shall contain a minimum of thirty (30) percent (%) “Masonry Material” ~~brick, stone, cultured stone, synthetic stucco or masonry or a combination thereof~~, exclusive of windows, doors and trim molding, to enable the character of the exterior to meet that as shown in the plan illustrations in Exhibit D..

~~4.6~~ 5.6 Exterior Surfaces. Aluminum and vinyl siding are prohibited, but vinyl clad windows and soffits shall be permitted. Permitted exterior surfaces shall include EIFS, synthetic stucco, cultured stone, brick, stone and wood.

~~4.7~~ 5.7 Roof form. Roof form and design shall be similar to those included with the illustrations in Exhibit “D and E”.

~~4.8~~ 5.8 Roof Overhang. Each structure shall have eaves of a minimum eight (8) inch overhang, unless waived by the City of Westfield, Economic and Community Development Department Director, to provide for a specific architectural enhancement.

~~4.9~~ 5.9 Garage Doors: All garage doors shall contain windows along the top of the door in substantial compliance with Exhibit I and be of a style from those shown on Exhibit I.

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Section 65. Anti-Monotony.

All residential buildings constructed on the Real Estate shall comply with the following provisions.

- (1) Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;
- (2) Have a different primary siding color than the adjacent Lot;
- (3) A building on a corner lot shall not be considered substantially similar to another building in the same block if the front elevations of the buildings face different streets, and
- (4) Have a different color from the adjacent Lot for at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).

Section ~~7.6~~. Landscape Standards.

~~7.16.1~~ 7.1 Site Landscaping. The existing perimeter landscaping shall remain in place except for the landscaping which will be removed at the south end of Lot 4 and where the greenway trail is located between lots 19 and 20. The landscaping shall be replaced with similar plant material of quality, quantity and size along the west end of Lots 2, 3 and 4 proportioned in a manner which it existed prior to being removed in substantial compliance with Exhibit G, page 2.

~~6.2~~ 7.2 Garden Homes Buffers. The area on either side of Mystic Rock Drive near the north lines of Lots 31 and 36 shall be landscaped, including the installation of the depicted monuments~~ation~~, according to the plan per Exhibit F within 180 days of completion of that portion of Mystic Rock Drive which adjoins Lots 31 – 36.

~~6.3~~ 7.3 Minimum Lot Landscaping. Each lot shall be landscaped in substantial compliance with the landscaping plan shown on Exhibit G which includes minimum details for the following applications:

- A. Interior Lots. Those lots not a corner lot or end lot.
- B. Corner Lots. Lots numbered 1, 4, 5, and 10.
- C. End Lots. Lots numbered 2, 3, 9, 14, 15, 31 and 36

~~6.4~~ 7.4 Sides of Existing Townhomes: Within the area of Parcel J which currently includes townhomes which are constructed, there are sides of certain townhomes that are not landscaped causing the utility boxes attached to said sides to be openly visible. Those sides shall be landscaped in substantial compliance to Exhibit F, page 3.

Section ~~8.7~~. Off-Street Parking. Off-street parking shall be provided in substantial compliance with the parking lot sizes and locations depicted on Exhibit A.

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ALL OF WHICH IS ORDAINED/RESOLVED THIS ____ DAY OF _____, 2016.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

Jim Ake

Jim Ake

Jim Ake

James J. Edwards

James J. Edwards

James J. Edwards

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Mark F. Keen

Mark F. Keen

Mark F. Keen

Charles Lehman

Charles Lehman

Charles Lehman

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 15-36** was delivered to the Mayor of Westfield
on the _____ day of _____, 2016, _____ at ____m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-36**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-36**
this _____ day of _____, 2016.

J. Andrew Cook, Mayor

This document prepared by: Peter H. Wang, Bridgewater Masters, LLC
I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Peter H. Wang